

Notice of Allowability

Application No.

09/603,389

Examiner

Stefano Karmis

Applicant(s)

NEYMAN ET AL.

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 15 May 2007.
2. ☒ The allowed claim(s) is/are 31-33 and 52.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of
- Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>8/16/2007</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. The following communication is in response to Applicant's amendment filed 15 May 2007.

Double Patenting

2. The provisional nonstatutory obviousness-type double patenting rejection to copending Application No. 09/897,594 is withdrawn because it is the only rejection remaining in the earlier filed of the pending applications.

Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph W. Ragusa on 16 August 2007.

The application has been amended as follows:

Cancel claims 1-30, 37-46 and 48-51

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4. The following is an examiner's statement of reasons for allowance:

The prior art of record, Togher et al. U.S. Patent 5,375,055 teaches an anonymous trading system for trading fungible instruments between traders, comprising: a plurality of order input devices, at least one of said order input devices for a trader entering an order (column 5, lines 4-39); a network of matching engines, each matching engine matching bid and offer orders entered into the system and assisting in the execution of deals where bid and offer orders have been matched (column 5, line 40 thru column 6, line 11); market distribution means for distributing information relating to bid and offer orders in the system to the trader terminals (column 5, line 40 thru column 6, line 11); a plurality of trading agents, each of said plurality of trading agents being connected to one of the network of matching engines and providing an interface between a trading floor and said plurality of order input devices and the matching engine to which the trading agent is connected (column 5, line 40 thru column 6, line 11 and column 6, lines 55-66) and matching currency pairs in a base currency and a local currency (column 6, line 66 thru column 7, line 19 and column 14, line 26-49).

The prior art of record, Hughes et al. U.S. Patent 7,231,363 teaches a method and system for rebrokering orders in a trading system by connecting client computers and broker dealer client computers which receive orders from investors through an ordering processing system and rebroker the orders to counterparties or other broker dealers (column 7, lines 57 thru column 8, line 2). Hughes teaches that the system can be used for trading and order matching of financial instruments, such as currencies and foreign exchanges (column 3, lines 30-47). An ordering

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party may specify that a matching order must exactly match the number or amount of items being offered (column 16, lines 4-33).

The prior art of record, Boesch et al. U.S. Patent 6,205,433 teaches a method and system for multi-currency transactions between a server, a customer computer and a merchant computer connected via a network (column 3, line 60 thru column 4, line 2). The system customer computer has a first set of data including an amount in a first currency while the merchant computer has a second set of data including a product price in a second currency and a server that receives the first and second sets of data for approving the transaction when the amounts are within a risk range in accordance with exchange rates (column 2, line 62 thru column 3, line 9). Boesch further teaches an optimization feature to determine which currency is most preferential to pay in which a third currency in order to a more favorable price for the customer (column 11, line 33 thru column 12, line 52).

The prior art of record fails to teach An anonymous trading system for trading synthesized currency pairs between traders, comprising:

a plurality of order input devices, at least one of said order input devices for a trader entering a joint execution order comprising two or more liked orders;

means for synthesizing bid and offer orders for transactions between a pair of currencies having a first currency and a second currency from bid and offer orders entered into the system for transactions between a currency pair comprising the first currency and a third currency and

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bid and offer orders entered into the system for transactions between a currency pair comprising the second currency and the third currency;

means at the matching engines and the trading agents connected thereto for matching and executing joint execution orders, the means for matching and executing performing only one of: executing, as separate trades, all of the linked orders of the joint execution order; and rejecting all of the linked orders of the joint execution order, and wherein; the trading agents further include means for converting a bid or offer order in said synthetic currency pair into a joint execution order comprising an order in each of said currency pair comprising the first and third currency and said currency pair comprising the second and third currency as discussed in the specification, page 32, line 22 thru page 33, line 30.

For these reasons, independent claims 31 and 52 are allowed over the prior art. Claims 32 and 33 are deemed allowable based on their dependency to claim 31.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted
Stefano Karmis
16 August 2007



**HANI M. KAZIMI
PRIMARY EXAMINER**